



## ***Environmental Planning Commission***

***Agenda Number: 7  
Project Number: 1007663  
Case Number(s): 09EPC-40044  
September 17, 2009***

### ***Staff Report***

<b><i>Agent</i></b>	Electrical Products Co.
<b><i>Applicant</i></b>	CVS Pharmacy
<b><i>Request(s)</i></b>	<b>Amend Site Development Plan for Subdivision</b>
<b><i>Legal Description</i></b>	Tracts B-1, B-2, B-3A, B-3B, B-3C, B-3D1, B-3D2, B-4, B-5, B-6, Cottonwood Corners Tract B-4 (existing building site)
<b><i>Location</i></b>	Ellison Dr NW between Coors Blvd Bypass NW and Cottonwood Drive NW
<b><i>Size</i></b>	Approximately 28.7 acres
<b><i>Existing Zoning</i></b>	SU-1 for IP Uses
<b><i>Proposed Zoning</i></b>	No Change

### ***Staff Recommendation***

***DENIAL of 09EPC 40044, based on the Findings beginning on Page 8.***

***Staff Planner***

***Randall Falkner, Planner***

### ***Summary of Analysis***

This is a request to amend a site development plan for subdivision for a site of approximately 28.7 acres located on Ellison Drive between Coors Boulevard Bypass and Cottonwood Drive. The existing pharmacy building is on Pad number 6, Tract B-4, Cottonwood Corners, on a property of approximately 1.6 acres. The applicant is requesting to amend condition number 7 from the 1999 site plan (Z-99-115) to read "Building mounted signs shall be in locations indicated, but shall be limited to an area of 6% of the building façade for all buildings except for Pad number 6, which shall be allowed 10.3% on the primary façade (facing west) only. The sign area greater than 6% being an additional 4.3% shall be non-illuminated window graphics only. Sign letter shall be channelized or neon and no backlit illuminated panels except for logo signage." The purpose for this request is to allow for window graphics to be installed on the storefront, because the building channel letters have taken the entire allowance for building signs. The applicant believes that the window graphics would present a better storefront look to the public, as currently there are white outs on the windows in order to cover the merchandise stands. The Westside Coalition of NA's does not support the request.

The proposal is not consistent with applicable City policies in the Comprehensive Plan or the Seven-Bar Ranch Sector Development Plan. Staff is recommending denial of the request.

Location Map (3" x 3")

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**AREA CHARACTERISTICS AND ZONING HISTORY**

*Surrounding zoning, plan designations, and land uses:*

	<b>Zoning</b>	<b>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</b>	<b>Land Use</b>
<b>Site</b>	SU-1 for IP Uses	Established Urban West Side Strategic Plan 7 Bar Ranch	Commercial
<b>North</b>	SU-1 for IP Uses	same	Commercial
<b>South</b>	SU-1 for C-2 Uses	same	Commercial
<b>East</b>	SU-1 for IP Uses	same	Commercial
<b>West</b>	SU-1 for Town Center	same	Vacant

**Background**

The purpose of the request is to amend a site development plan for subdivision for a site of approximately 28.7 acres located on Ellison Drive between Coors Boulevard Bypass and Cottonwood Drive. The existing pharmacy building is on Pad number 6, Tract B-4, Cottonwood Corners, on a property of approximately 1.6 acres. The applicant is asking that Pad number 6 be allowed a total signage allowance of 10.3% on the primary façade (facing west) only, as opposed to the 6% that is currently allowed. The applicant is requesting to amend condition number 7 from the 1999 site plan (Z-99-115), which reads, "Building mounted signs shall be in locations indicated but shall be limited to an area to 6% of the building façade for all buildings. Sign letters shall be channelized or neon and no backlit illuminated panels except for logo signage." The amended condition number 7 would read "Building mounted signs shall be in locations indicated, but shall be limited to an area of 6% of the building façade for all buildings except for Pad number 6, which shall be allowed 10.3% on the primary façade (facing west) only. The sign area greater than 6% being an additional 4.3% shall be non-illuminated window graphics only. Sign letter shall be channelized or neon and no backlit illuminated panels except for logo signage." The purpose for this request is to allow for window graphics to be installed on the storefront, because the building channel letters have taken the entire allowance for building signs. The applicant believes that the window graphics would present a better storefront look to the public, as currently there are white outs on the windows in order to cover the merchandise stands. Zoning Code Services has determined that all signs are considered in the percentage allowed for a façade, and that if a business decides to use window signs that counts towards the total percentage allowed.

### ***History***

The zoning for the subject site (SU-1 for IP Uses) was established with the adoption of the Seven-Bar Ranch Sector Development Plan in April 1985. In March 1995, the EPC approved a site development plan (Z-95-26) for a 60-acre tract at the southeast corner of Coors Bypass and NM 528. Condition number 10 from the official notice of decision (March 17, 1995) reads as follows: "Building-mounted signage shall be limited to six percent of the area of any façade except that "shops" building and pad number one shall be allowed to be ten percent." In November 1999, the EPC approved a site development plan for subdivision and a site development plan for building permit (Z-99-115). Condition number 7 from the official notice of decision (November 19, 1999) states: "Building mounted signs shall be in locations indicated but shall be limited to an area to 6% of the building façade for all buildings. Sign letters shall be channelized or neon and no backlit illuminated panels except for logo signage." Condition number 6 from the official notice of decision (November 19, 1999) states: "Signage indicated shall be considered adequate. No additional signage shall be approved except that one 50 square foot monument sign shall be allowed for each Pad building."

### ***Context***

The subject site is at the corner of Ellison Drive and Coors Boulevard Bypass. The site is surrounded by commercial land uses and SU-1 zoning. To the north, east, and south is commercial land, while to the west is vacant land. The property to the north and east is SU-1 for IP Uses, to the south is SU-1 for C-2 Uses, and to the west is SU-1 for Town Center.

### ***Long Range Roadway System***

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways.

The Long Range Roadway System designates Ellison Drive as a Principal Arterial, with a right-of-way of 124'.

The Long Range Roadway System designates Coors Boulevard Bypass as a Collector street, with a right-of-way of 68'.

There is an existing bicycle lane and multi-use trail on Ellison, west of Coors Bypass Boulevard.

There are several bus routes that pass by the subject site. They include the following: route 155 (Coors), route 96 (Crosstown Commuter), route 98 (Wyoming Commuter), route 790 (Rapid Ride Blue Line), route 94 (Unser Commuter), route 151 (Albuquerque-Rio Rancho/Rail Runner Connection). The closest bus stop is approximately 280 feet to the east of the subject site along Ellison Drive.

Coors Boulevard Bypass and Ellison Drive are both Enhanced Transit Corridors.

### ***Public Facilities/Community Services***

Public facilities and/or community services in the area include the following: Salida del Sol Park, Cibola High School, West Mesa Medical Center, a Police Substation, and a Fire Station.

## **ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES**

### **Albuquerque Comprehensive Zoning Code**

The existing zoning is SU-1 for IP Uses. The IP zone provides suitable sites for a wide range of industrial and commercial uses, provided such uses are conducted in a compatible and harmonious manner within industrial environments achieved through a Development Plan. The SU-1 designation refers to the Special Use zone. The SU-1 zone (see Zoning Code Sec. 14-16-2-22) provides suitable uses for uses that are special, and for which the appropriateness of the use to a specific location depends upon the character of the site design. Development on an SU-1 zone may “only occur in conformance with an approved site development plan” that is subject to Environmental Planning Commission (EPC) review. The applicant has provided an accompanying site development plan for subdivision.

### **Albuquerque / Bernalillo County Comprehensive Plan**

Policy Citations are in Regular Text; *Staff Analysis is in Bold Italics*

The subject site is located in the area designated Established Urban by the Comprehensive Plan with a Goal to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment. Applicable policies include:

Policy II.B.5d: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

*Specific development guidelines have been given by the EPC concerning signage for the site development plan for subdivision. Signage is limited to 6% of the area of any facade. Additional signage is prohibited and would increase the visual intrusion of signs at this site. Allowing Pad number 6 additional signage on the primary façade would allow the existing pharmacy additional signage, while the rest of the businesses on the site (except for Pad number 1) would only be allowed 6%. The request to increase the signage allowed from 6% to 10.3% on the primary façade of Pad number 6 would not respect existing neighborhood values, scenic resources, or resources of other social, cultural, and recreational concern. The request does not further Policy II.B.5d.*

Policy II.B.5l: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.

*The request to allow for a 4.3% increase (to 10.3%) in the amount of signage allowed (6%) on the primary facade of the existing building on Pad number 6 is not appropriate to the Plan area or innovative in design. The existing unattractive window coverings that are currently in*

*place are part of the original design of the pharmacy building. Placing additional signage on these windows is not innovative, but only adds to the visual intrusion of signs at this location. Zoning Code Services considers the proposed window graphics to be signage. The request does not further Policy II.B.5l.*

Policy II.B.5m: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

*The request will not improve the quality of the visual environment. The request would increase the amount of signage at the existing pharmacy site. An increase in the number and percentage of signs at the existing pharmacy building could clutter the area with an overabundance of signs. The request would not fulfill the site development plan for subdivision condition that “building-mounted signage shall be limited to six percent of the area of any façade.” The request does not further Policy II.B.5m.*

#### **West Side Strategic Plan (WSSP) (Rank II)**

The West Side Strategic Plan (WSSP) was first adopted in 1997 and recently amended in 2002 to help promote development of Neighborhood and Community Activity Centers. The WSSP identifies 13 communities, each with a unique identity and comprised of smaller neighborhood clusters. The subject site is in the Seven Bar Ranch Community. Staff has reviewed the WSSP against the request. However, the policies in the WSSP are not applicable to the request to increase building-mounted signage.

#### **Seven Bar Ranch Community Description:**

The Seven Bar Ranch Community lies between the Calabacillas Arroyo and the County line, and between the Rio Grande and an area slightly west of the Rainbow Boulevard corridor. For planning purposes this area is estimated to contain 2,400 acres. At full buildout, it is estimated to include a population of approximately 18,700 with 7,500 housing units and 6,200 jobs. The population of this community was approximately 3,200 in 1994. The West Side Regional Center (Cottonwood Mall area) is located in the Seven Bar Ranch Community. The Regional Center is also dedicated as one of the area’s major Employment Centers. There are also large, single family residential areas at Seven Bar appropriately located outside of the Regional Center area. The Seven Bar Community is adjacent to Rio Rancho and Corrales and has significant interjurisdictional impacts.

#### **Seven Bar Ranch Sector Development Plan (Rank III)**

The Seven Bar Ranch Sector Development Plan (SBRSDP) was first adopted by City Council in 1985 (Enactment 74-1985). The Plan area encompasses 1,070 acres of land which are accessed by Coors Blvd. to the south, McMahon Blvd. to the west, State Road 528 and Corrales Rd. to the

north, and Alameda Rd. and the Rio Grande to the east. The SBRSDP establishes zoning for the subject site. Goals and policies relevant to the proposal include:

The overall goal of the Seven-Bar Ranch Sector Development Plan is to provide a satisfactory living and working environment through a series of orderly, integrated, and aesthetically pleasing developments.

***Increasing the signage on the subject site is not aesthetically pleasing, and could disrupt adjacent orderly developments by opening up the door to additional signage requests from the remaining tenants/owners in the shopping center. The original intent of the EPC to limit signage to a specific amount (6% of the area of any façade) would be adversely affected by this request. The request for additional signage would not further the overall goal of the Seven-Bar Ranch Sector Development Plan.***

Seven Bar Ranch Design Guidelines for Non-Residential Sub-Area Developments: Non-residential structures of all types shall be encouraged to follow the same general guidelines as residential developments. In addition developers of non-residential areas shall be encouraged to: Adhere to a consistent style and application of signage within each sub-area development, and mark entrances to sub-area developments with a style of signage that is consistent with the Seven-Bar non-residential development as a whole.

***The request does not adhere to a consistent style and application of signage within each sub-area development. Increasing the signage would not be consistent with the rest of the signage found in the site development plan for subdivision. The request does not further the Seven-Bar Ranch Design Guidelines for Non-Residential Sub-Area Developments in the Seven-Bar Ranch Sector Development Plan.***

## **ANALYSIS OF SITE DEVELOPMENT PLAN FOR SUBDIVISION**

### ***Site Plan Layout / Configuration***

The site development plan for subdivision is a site of approximately 28.7 acres. The existing pharmacy building is on Pad number 6, Tract B-4, Cottonwood Corners, on a property of approximately 1.6 acres. The applicant is requesting that a signage allowance of 10.3% be allowed on the primary (west) facade of the building, as opposed to the 6% that is currently allowed. Since the applicant is only asking for an amendment to the signage, and the pharmacy has already been approved and has opened, staff comments in this section will be limited to signage.

### ***Signage***

The applicant is asking that Pad #6 be allowed a total signage allowance of 10.3% on the primary façade (facing west) only, as opposed to the 6% that is currently allowed. The purpose for this request is to allow for window graphics to be installed on the storefront, because the building channel letters have taken the entire allowance for building signs. The applicant believes that the

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window graphics would present a better storefront look to the public, as currently there are white outs on the windows in order to cover the merchandise stands. The applicant also states that this signage is needed to create awareness of all the available services. The applicant already has individual signage that creates awareness of the available services. The pharmacy has the following individual signs on the main entrance (west) facade: "CVS Pharmacy", "Drive-Thru Pharmacy", "Beer & Wine", and "Photo." Other signage that is currently on the building and creates awareness of available services includes the following: "CVS Pharmacy" (east facade), "Beer & Wine" and "Drive-Thru Pharmacy" and "Full Service" (north facade), and "CVS Pharmacy" and "Drive-Thru Pharmacy" (south facade). The window graphics (which are considered signage by Zoning Code Services) include the following signs: "extra service," "extra care," and "expect something extra." A total of 12 window graphics or signs are being requested (in addition to the 4 signs that are already on the primary facade), which would increase the signage currently allowed on the primary (western) facade from 6% to 10.3%.

Zoning Code Services made the following comment regarding signage for this project: All signs are considered in the percentage allowed for a facade. If a business decides to use window signs that counts towards the total percentage allowed.

A sign is defined as follows.

SIGN.

(1) Any display to public view of letters, words, numerals, figures, statues, devices, emblems, pictures, or any parts or combinations thereof designed to inform or advertise or promote merchandise, services, or activities (Section 14-16-1-5).

### ***CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION***

City Departments and other interested agencies reviewed this application from 7/6/2009 to 7/22/2009. Agency comments begin on page 11.

The following comments were made by zoning code services: IP allows only 1 wall sign per facade, but up to 20% of that facade to which it is applied if the sign is visible from an arterial or collector street. **This comment by zoning code services states what is allowed in straight IP zoning. However, the subject site is not straight IP zoning, but is SU-1 for IP uses, and is therefore subject to the site development plan for subdivision that was approved.**

All signs are considered in the percentage allowed for a facade. If a business decides to use window signs that counts towards the total percentage allowed.

A sign is defined as follows.

SIGN.

(1) Any display to public view of letters, words, numerals, figures, statues, devices, emblems, pictures, or any parts or combinations thereof designed to inform or advertise or promote merchandise, services, or activities

*The comment by APS about obtaining a restaurant liquor license waiver does not apply since the site is existing and it is not a restaurant.*

#### **NEIGHBORHOOD/PUBLIC CONCERNS**

A facilitated meeting was requested by the Office of Neighborhood Coordination; however, no meeting was held. In the "No Meeting Report", the facilitator stated that Cibola Loop neighborhood association has disbanded. Staff spoke with Steve Lopez of The Westside Coalition of Neighborhood Associations who stated that the Coalition does not support the request and believes that it would set a dangerous precedent.

#### **CONCLUSIONS**

This is a request to amend a site development plan for subdivision for a site of approximately 28.7 acres located on Ellison Drive between Coors Boulevard Bypass and Cottonwood Drive. The existing pharmacy building is on Tract B-4, Cottonwood Corners, on a property of approximately 1.6 acres. The applicant is requesting to amend condition number 7 from the 1999 site plan (Z-99-115) to read "Building mounted signs shall be in locations indicated, but shall be limited to an area of 6% of the building façade for all buildings except for Pad number 6, which shall be allowed 10.3% on the primary façade (facing west) only. The sign area greater than 6% being an additional 4.3% shall be non illuminated window graphics only. Sign letter shall be channelized or neon and no backlit illuminated panels except for logo signage." The purpose for this request is to allow for window graphics to be installed on the storefront, because the building channel letters have taken the entire allowance for building signs. The applicant believes that the window graphics would present a better storefront look to the public, as currently there are white outs on the windows in order to cover the merchandise stands.

The proposal is not consistent with applicable City policies in the Comprehensive Plan or the Seven-Bar Ranch Sector Development Plan. Staff is recommending denial of the request.



***FINDINGS – 09EPC 40044, 9/17/09, Amend Site Development Plan for Subdivision***

1. This is a request to amend a site development plan for subdivision for a site of approximately 28.7 acres located on Ellison Drive between Coors Boulevard Bypass and Cottonwood Drive.
2. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, Seven-Bar Ranch Sector Development Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
3. Building-mounted signage was limited to 6% by the EPC in the following conditions: Condition number 10 from the official notice of decision for file Z-95-26 (March 17, 1995) states “Building-mounted signage shall be limited to six percent of the area of any façade except that “shops” building and pad number one shall be allowed to be ten percent,” and Condition number 7 from the official notice of decision for file Z-99-115 (November 19, 1999) states “Building mounted signs shall be in locations indicated but shall be limited to an area to 6% of the building façade for all buildings. Sign letters shall be channelized or neon and no backlit illuminated panels except for logo signage.” Condition number 6 from the official notice of decision (November 19, 1999) states: “Signage indicated shall be considered adequate. No additional signage shall be approved except that one 50 square foot monument sign shall be allowed for each Pad building.”
4. Pursuant to Section 14-16-2-22(B)(35) of the City Zoning Code, signage is permitted and regulated by the EPC. The EPC acted properly and within the bounds of its authority in limiting the signage in 1995 and 1999.
5. The subject site is within the Established Urban area of the Comprehensive Plan.
6. The following Comprehensive Plan policies are not furthered by the request:
  - a. Policy II.B.5d – Specific development guidelines have been given by the EPC concerning signage for the site development plan for subdivision. Signage is limited to 6% of the area of any facade. Additional signage is prohibited and would increase the visual intrusion of signs at this site. Allowing Pad number 6 additional signage on the primary façade would allow the existing pharmacy additional signage, while the rest of the businesses on the site (except for Pad number 1) would only be allowed 6%. The request to increase the signage allowed from 6% to 10.3% on the primary façade of Pad number 6 would not respect existing neighborhood values, scenic resources, or resources of other social, cultural, and recreational concern.
  - b. Policy II.B.5l – The request to allow for a 4.3% increase (to 10.3%) in the amount of signage allowed (6%) on the primary facade of the existing building on Pad number 6 is

- not appropriate to the Plan area or innovative in design. The existing unattractive window coverings that are currently in place are part of the original design of the pharmacy building. Placing additional signage on these windows is not innovative, but only adds to the visual intrusion of signs at this location. Zoning Code Services considers the proposed window graphics to be signage.
- c. Policy II.B.5m – The request will not improve the quality of the visual environment. The request would increase the amount of signage at the existing pharmacy site. An increase in the number and percentage of signs at the existing pharmacy building could clutter the area with an overabundance of signs. The request would not fulfill the site development plan for subdivision condition that “building-mounted signage shall be limited to six percent of the area of any façade.”
7. The request does not further the overall goal of the Seven-Bar Ranch Sector Development Plan. Increasing the signage on the subject site is not aesthetically pleasing, and could disrupt adjacent orderly developments by opening up the door to additional signage requests from the remaining tenants/owners in the shopping center. The original intent of the EPC to limit signage to a specific amount (6% of the area of any façade) would be adversely affected by this request.
8. The request does not further the Seven-Bar Ranch Design Guideline for Non-Residential Sub-Area Developments in the Seven-Bar Ranch Sector Development Plan. The request does not adhere to a consistent style and application of signage within each sub-area development. Increasing the signage would not be consistent with the rest of the signage found in the site development plan for subdivision.
9. The applicant has not made a sufficient policy based showing of why its sign needs are greater than the other 13 tenant/owners in the shopping center, nor has it made a sufficient policy based showing of why an additional 12 signs with an additional 4.3% of signage on the primary façade of the building on Pad number 6 are commercially or otherwise necessary.
10. The Westside Coalition of Neighborhood Associations does not support the request and believes that it would set a dangerous precedent.

***RECOMMENDATION - 09EPC 40044, 9/17/09, Amend Site Development Plan for Subdivision***

**DENIAL of 09EPC 40044, an amendment to the site development plan for subdivision, for Tracts B-1, B-2, B-3A, B-3B, B-3C, B-3D1, B-3D2, B-4, B-5, B-6, Cottonwood Corners, based on the preceding Findings.**

***Randall Falkner***  
***Planner***

cc: CVS Pharmacy, 3821 Ellison Dr. NW, Albuquerque, NM 87114  
Electrical Products Co., 2024 5<sup>th</sup>